UBC Centre for Human Settlements

HOUSING AND COMMUNITY PLANNING

Maintaining Low Rent Central Area Housing Stock: A Survey of Innovative North American Municipal Initiatives

J. David Hulchanski

January 1991

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Part I

Introduction and Context

1. Introduction

What can a municipality do to help maintain and improve existing low rent inner-city housing and to supply new housing at rents low income households can afford? How can senior levels of government assist in this effort? How can the private sector assist in the maintenance and supply of affordable housing?

This report provides a review of policy and program options North American cities have implemented in response to the loss of low rent housing.

A previous report, titled *Low Rent Housing in Vancouver's Central Area: Policy and Program Options* (UBC Centre for Human Settlements, University of British Columbia, September 1989), makes specific recommendations for Vancouver.

1.1 The Search for Innovative Policy and Program Options

Housing policy officials, faced with the inability of the private rental market to supply new affordable units and with a growing number of households who have difficulty affording rental housing, must consider the range of desirable and feasible options open to them. There is certainly no one perfect solution, nor is there likely to be any one static set of solutions. The set of policies and programs will have to evolve and be dynamic due to the need to learn from experience and to address changing economic and socio-political conditions.

Some of the measures will likely have to be the second best options, given the broad and complex context in which housing policy must operate. The perceived first or best choice among the options may not be politically or economically feasible. Trade-offs will continue to be made, as they have been in the past, between options that may be efficient in terms of private market performance and options that address social and political objectives. It is unlikely that housing policy, especially rental housing policy, will ever be decided upon without a great deal of

lobbying and controversy. There are simply too many trade-offs to be made, and it will be a rare policy choice that maximizes the interests of all groups.

A good place to begin a search for feasible policy and program options is with an examination of what other municipalities have implemented in response to similar circumstances. If the search for options begins with innovative policies and programs already being implemented by other municipalities the chance of identifying *feasible* options is much greater. The aim here is to be practical, to identify options which could be seriously considered by citizens, by municipal staff and by elected officials for implementation.

The term "feasible" must be used carefully. Any policy or program option faces at least three major obstacles on the road to implementation: political, legal, and financial.

- Is it politically acceptable: (a) to the majority of voters and the people elected to represent them; and (b) to others, who may or may not be a majority, but are powerful enough to block implementation?

- Does the municipality have the legal authority to implement the measure and, if not, can it obtain the necessary authority (which, for municipalities in Canada, is from the provincial level of government)?

- Can the municipality obtain the necessary funds, from its own resources, from senior governments, and/or from private sector sources?

The policies and programs identified in this report may or may not be politically, legally or financially feasible in a particular municipality at the present time. They are, however, feasible *in principle* and they become feasible if there is sufficient will to eventually overcome any political, legal or financial constraints.

2. The Context: Single Person Households and Their Housing Options

2.1 Definitions: Residential Hotels, Rooming Houses, SROs

Many large cities have substantial numbers of older three to eight storey buildings which are used as long term rental accommodation by inner-city lower income people. The term most often used in the housing literature, especially in the United States, for downtown residential hotel and rooming house rental stock is *"single room occupancy"* (SRO) housing. SRO housing is defined as such because residents occupy a single furnished room with a sink while facilities such as the bathroom and kitchens are down the hall or on another floor. Unlike apartment buildings, many SROs have a front desk and lobby area. Also, many residential hotels have ground floor commercial space. SRO housing is a generic category which includes a variety of housing types including residential hotels, rooming houses, boarding houses, and residences for single men and single women. The terms residential hotel, SRO, and rooming house are used interchangeably in this report.

There are strong social stigmas attached to inner-city residential hotels. When they are not properly managed or are purposely abused they can have a negative impact on any community.

There is now an extensive body of literature on SROs. As the number of homeless individuals grew during the 1980s, municipal governments began to recognize the significance of the SRO stock and began implementing programs to protect and rehabilitate this segment of the rental market. It is now widely recognized that this type of housing is a permanent, not temporary, part of the rental housing stock of larger cities. It is most often the only affordable option for many inner-city low income single people and, in some cases, couples and single parents. In many North American cities, single room rental stock is now recognized as an important, permanent form of accommodation for a broad range of people -- employed and unemployed, single men and women, from all age groups.

The term "transient hotel" is most often a misnomer. Throughout North America, cities with residential hotels have found that residents have been known to live in their units for 15 to 20 years. Residents of the neighbourhood may move to different rooms or hotels occasionally, but there is a core population which is very stable in SRO neighbourhoods.

SROs have historically offered housing to single working people who prefer the flexibility to move easily due to seasonal employment or who simply like the inner-city lifestyle. Today the

population of residential hotels is a diverse mix of people who can be characterized as the "working poor" and people receiving some form of government entitlement or assistance -- pensions, disability, unemployment, social assistance payments, and the like. There are many elderly who prefer the residential hotel to other retirement alternatives. What they have in common is a level of income which does not provide them with many other options in the high cost rental markets of large cities.

A recent study of SROs in Chicago points to the important social networks that are associated with inner-city SRO living, something no social program or agency is likely to reproduce. In the past, many municipal officials and leaders in the local business community have failed to understand and have failed to be sensitive to these important symbiotic support networks.

> *SRO hotels not only offer convenient, secure and affordable shelter for single people but also make a unique contribution to the diversity of social life in Chicago.*
>
> *The frequent portrayal of SRO hotels as incubators of social disease does not square with our findings. In fact, the evidence we uncovered indicates that the residents of SROs may offer the social prototype of what urban life has frequently promised, but seldom delivered, for those of modest means. For the most part, tenants and managers collaborate in a symbiotic relationship of mutual support not only with each other, but with the surrounding neighbourhood. The residents utilize local shops and services, relying heavily on public transportation to link them with jobs and friends.*
>
> *SROs represent a relatively successful adaptation of housing originally built for a transient and migratory labour force into longer term shelter for the stable working poor. Unless they can solve the problem of poverty for these residents, which we think a worthy but unlikely effort, the government and citizens of Chicago owe it to themselves to protect and nurture low rent housing that works.* (*SROs: An Endangered Species, Chicago's Single Room Occupancy Hotels*, A joint Study by the Community Emergency Shelter Organization and the Jewish Council on Urban Affairs, Chicago, December, 1985:2-3.)

Residents of, and community workers in, the inner-city residential areas of major metropolitan regions will likely agree that the above is a good description of life in residential hotel stock. The residential hotels, with the exception of very poorly managed and maintained ones, are a form of low rent housing that works. It works because of the nature of the inner city district, not simply the nature of the building. Both go together.

2.2 Demographic Context: Single Person Households

The demographic context of this study is the rapid rise in the single person household over recent decades and the concentration of these households in cities. In the 1940s and 1950s only 7% to 8% of all households in Canada were single person households. This percentage began to increase rapidly in the 1960s and 1970s. In the 1971 census about 13%, and in the 1981 census, about

20%, of Canadian households had only one person. This means that, today, more than one out of very five households have only one person.

Single person households tend to be concentrated in the larger cities. In the City of Vancouver, for example, 40% of all households are single person households. This is an increase from 27% in 1971. Out of the City's 186,000 households in 1986, 73,000 were single person households. In the area defined by the City as the Central Business District, 86% of the people living there in 1986 were in single person households. Not only does the City of Vancouver have a huge percentage of single person households compared to the national average, the area in and around downtown has the highest concentration.

The rise in the number of people living alone and the concentration of these households in larger cities has created major housing impacts, impacts most cities have yet to fully realize, let alone address.

- ***Housing Costs.*** With rising urban housing costs, it now takes two incomes to afford the average house, or even pay the average rent. By definition, single person households don't have the option of having two adults work full-time to pay the mortgage or rent.

- ***Housing Stock.*** Most of the urban housing stock is older and designed for the larger households of the past. Larger units cost more to own or rent and may not be located in the most appropriate places for single person households.

- ***Residential Zoning.*** Basic zoning categories and land use allocations have not changed much since the first zoning bylaws were adopted, usually in the 1920s. Many cities, especially the "younger" cities in western North America, have zoned most of the residential areas for single detached housing.

- ***Protection of Existing Stock.*** The few options which do exist for single person households, especially the very low income households who have few choices, are generally under constant threat of either demolition, conversion to other uses, or gentrification. Only in the 1980s have some of the larger cities begun to realize the importance of maintaining the existing range of options by innovative regulatory, subsidy and/or private sector partnership arrangements.

- ***Creation of Additional Stock.*** It is not economically viable for the private sector to supply new inner-city housing units for low income single people. Until recently, there were few federal or provincial programs focused on the needs of urban low income single people, unless they were over the age of 65. Social housing programs have generally targeted the elderly and families.

- ***Rise of an "Illegal" Residential Sector.*** If existing stock is being lost and new supply is not being provided, people tend to be resourceful and find ways around even the most sophisticated planning, zoning and building regulations. In Toronto, with its stock of large older houses, numerous small units are created in these large houses. In Vancouver, the second suite in the single detached stock is the response to pent up demand. Housing

stock issues are interrelated. A response or lack or response to one condition or situation, usually affects other parts of the housing stock in other parts of the city or metropolitan area.

- ***Homelessness.*** There are more single people, and in some cases families, who are either without shelter (on the streets at night) or without homes (in temporary shelters or unsafe and unsanitary housing situations). Homeless people are the most obvious sign of the partial failure of institutions, public and private, designed to house all Canadians. This report is not a study of homelessness or homeless people, but a study of the housing stock which is at the bottom of the range of rental stock options. However, if people cannot access this stock and if more of the stock is lost without being replaced, there *will* be more homeless people.

2.3 The Policy Context: Growth Management

All North American cities have to find ways to better manage growth and to accommodate new growth in a fashion which is fair to all residents. National and international economic and political dynamics have made the larger metropolitan areas highly desirable locations for the migration *of people*, new households, and *of money*, new investment. With the possible exception of temporary recessions from time-to-time, this dynamic metropolitan area growth is likely to continue.

Displacement of existing low income households and the loss of existing low rent housing in and around downtown is of particular concern because this huge segment of a major city's rental stock cannot be replaced except at a tremendous cost to the taxpayer. Federal/provincial social housing programs do not provide an adequate annual supply of new units. Due to the high cost of land, social housing in or near downtown is only possible under special combinations of programs or unusual conditions. The issue, therefore, is how to manage growth in a fair and creative manner.

One of the roles of government is to help ensure fair "rules of the game" relating to land use and land development. There is growing recognition that the existing "rules of the game," the system of municipal and provincial laws, regulations, procedures and tax system relating to development, are not adequate under conditions of dynamic growth. Displacement of residents who have no other option in the private rental market appears likely. This means that the social and other costs relating to the impact of further major development will be passed on to the affected low income residents of the inner city and, eventually, to the taxpayer in general.

2.4 Organization of this Report

The Range of Options. There is a broad range of instruments that government can use to influence economic behaviour and achieve social goals.

- *Exhortation, Negotiation and Moral Suasion* (for example, ministerial speeches, conferences, affirmative action, the creation of advisory bodies and task forces to study a problem, and threats of government action);

- *Direct Expenditures* (the use of tax exemptions or incentives when the cost is measured in terms of revenue foregone);

- *Tax Expenditures* (the use of tax exemptions or incentives when the cost is measured in terms of revenue foregone);

- *Taxation* (direct and indirect taxes, fees or prices for public services, contributions to compulsory pension plans or insurance schemes);

- *Public Ownership* (direct publicly owned and managed as well as joint ventures in which the government is the controlling partner); and

- *Regulation* (all forms of statutes and legislation establishing regulations, directives, guidelines and the like).

In the rental sector, government has used a combination of public ownership, direct expenditures, tax expenditures, and regulations.

For the purpose of this study of options for maintaining and enhancing the stock of low rent central area housing, the options fall into three broad categories:

- regulation;

- subsidies (for the existing stock, and for new supply); and

- public/private partnerships.

It is especially the public/private partnership category that involve creative combinations of many options.

Part II of this study is a survey of policy and program options. These are options currently being implemented in other cities in North America. It is not based on a comprehensive survey of all major cities. Time and budget constraints do not permit this. Rather, the search for options began with those cities which have a residential hotel or rooming house stock, and cities which have a reputation for seeking solutions to the kinds of problems affecting inner city housing stock. While examples have been drawn from a variety of small and large cities, an attempt was made to document the policy and program response of four cities in particular: San Francisco, Boston, Seattle, and Toronto. Each of these cities faced a development boom affecting inner city housing stock during the past ten to fifteen years.

Part II of this report has a chapter on each three categories of options. The second, the subsidy option, is divided into two chapters: options for the existing stock; and options for new supply.

Chapter 3 Regulatory Options

Chapter 4 Subsidy Options -- Existing Stock

Chapter 5 Subsidy Options -- New Supply

Chapter 6 Public/Private Partnership Options

PART II

Survey of Policy and Program Options

3. Regulatory Options

The Regulatory Form of Intervention. Regulation is the imposition of constraints that are intended to significantly modify economic behaviour in the private sector. Most studies of regulation note that there are two broad categories or types of government regulation: (1) direct (sometimes referred to as "economic," "old," or "traditional" regulation); and (2) social (or "new," or "health, safety, and environmental" regulation).

Direct regulation affects the price of a good or service, the rate of return, entry, exit, and output. Examples are residential rent regulations and demolition and conversion regulations.

Social regulation embodies a broad set of social objectives that go beyond specifically economic criteria. This category includes regulations related to health and safety, housing quality, environmental concerns, fairness, consumer protection, and cultural and neighbourhood issues.

Regulations which can help prevent displacement, protect the rights of residents, and introduce a better balance of rights and responsibilities between tenants, owners of the residential stock, and potential redevelopers of the existing stock, fall into the following categories:

- Security of Tenure Regulations;
- Demolition, Conversion and Maintenance Regulations; and
- Mandatory Replacement Requirements.

Examples of these types of regulatory programs are provided below.

In addition, examples of two other important categories of public sector activities are documented: *detailed studies* of the problems relating to the stock; and on-going *direct government involvement*

of the mayor's office or other chief administrative official. These are not regulations, but are activities which can lead to improved regulations and to a quicker response to new problems or threats to the stock.

3.1 Security of Tenure Regulations

Only in the 1970s did the provincial level of government begin to substantially alter the legal doctrines affecting the landlord/tenant relationship. Until that time, a contract in the legal sense did not exist. The 1970s landlord/tenant legislation moved the relationship between the two parties from its feudal origins in common law to a statutory basis in modern contract law.

The rationale for this change boils down to a changing societal definition of what is fair and unfair in the landlord/tenant relationship. Most important things in society are regulated. Landlord/tenant legislation introduced regulations that sought to enforce certain reasonable expectations of society about what this relationship ought to be. What is "reasonable" in a democratic society is defined, in the end, by the political process and enforced by legislation. Most provincial legislation includes the following provisions:

- the introduction of contract principles into residential tenancy law;
- the requirement for landlords to repair and maintain residential rental property;
- the requirement that a tenant be given a copy of the tenancy agreement; and
- the provision that a landlord could regain possession only under the authority of a court writ of possession and that a landlord could not evict a tenant without a court order.

The Issue of Property Rights. As society's view of the landlord/tenant relationship changed in the 1960s and 1970s, provincial legislation began to reflect the change. The law was gradually catching up with society's view of what is fair and reasonable. This process cannot be seen as a wresting of property rights from the landlord, because such a view assumes that there is some socially defined agreement about exactly what the property rights of landlord are. Security of tenure regulations fall into the same category as the socially defined reasonable regulations that govern zoning, land use planning, health and safety of the structure, demolition, and conversion. They fall as well into the very broad category of consumer protection regulations, which govern goods and services of many kinds. Most contractual relations in our society are regulated. Regulation of the landlord/tenant contract is, therefore, not unique, even though it may be of fairly recent vintage. The aim has been to achieve a fairer balance of rights and obligations between landlords and tenants.

Protection for Roomers and Boarders. One of the more contentious and complex aspects of landlord/tenant legislation is how to provide protection under the law for occupants of residential hotels, rooming houses, and similar types of accommodation. There is no fundamental difference between renting an apartment and renting a room. Yet, as landlord/tenant legislation evolved,

roomers and boarders were usually ignored -- not covered by the legislation. Many jurisdictions are now adopting new or amended legislation to protect roomers and boarders. Despite the bewildering complexity of the legal questions involved, the basic issues at stake include:

- what form of security of tenure should roomers and boarders be given?
- what system should be used to resolve disputes between landlords and tenants?
- what limitations, if any, should be placed on the rights and duties of roomers and boarders to reflect financial means, needs for special care, and the different physical arrangements in which they are living?
- what methods should be used to enforce protection for roomers and boarders?

3.1.1 Ontario, Protection for Roomers, Boarders and Lodgers

In 1975 when security of tenure for tenants was strengthened by the Ontario *Landlord and Tenant Act*, boarders and lodgers -- residents of rooming house and residential hotel accommodation -- were not included. After a great deal of debate, amendments to the *Landlord and Tenant Act* have since provided boarders and lodgers with the same protection as other tenants. These include security of tenure and remedies for non-repair of the premises.

In the past roomers and boarders could be evicted with little or no notice, and for any reason. The Ontario *Landlord and Tenant Act* prohibits any such arbitrary eviction. A landlord can only evict under the authority of a District Court order, and proper grounds must be proven by the landlord. In addition, tenants can apply to District Court for an order requiring a landlord to maintain the premises in a good state of repair.

3.1.2 Seattle, Just Cause Eviction Ordinance, 1980

This Seattle ordinance provides legal protection to tenants facing possible eviction. It prohibits harassment of tenants by landlords and allows eviction only for "just causes" that are clearly defined in the ordinance.

3.1.3 San Diego, Residential Hotel Room Permanent Resident Relocation Assistance Regulations, 1987

Triggered by many applications to demolish, convert or gentrify existing single room occupancy hotels, these regulations, enacted in November 1987, require the owner to meet several obligations before the city will grant the required permit. The owner must provide the city with a list of current tenants and must give each tenant at least 90 days notice of termination of tenancy. The City gives guidance for what constitutes proper notification. The owner also must provide

financial benefits to the tenants and assistance in locating alternate decent, safe and affordable housing, if requested by the tenant. This assistance must include a *plan* for the relocation of the tenants of the building being demolished or altered. Finally, the penalty for wrongful eviction of tenants is a delay of demolition permission for 180 days.

3.2 Demolition, Conversion and Maintenance Regulations

More official attention is given to new buildings being developed than to buildings coming down. In the case of housing stock, and in particular low rent housing, many cities have now begun to pay very close attention to proposals to demolish or convert rental stock. The major innovative legislative action in Canada relating to the maintenance of the existing rental stock is Ontario's *Rental Housing Protection Act.* The decision to protect existing stock is usually preceded by an interim demolition and conversion moratorium. This prevents a rash of demolitions and conversions during the period when the details of the new control regulations are being worked out. Some cities require a one-for-one replacement for the demolition of low rent stock in the inner city, others have a different formula or compensation package associated with demolition or conversion. Several examples of these types of programs are outlined below.

3.2.1 Ontario, Rental Housing Protection Act, 1986

The Ontario Rental Housing Protection Act, which took effect in July 1986, is designed to protect the existing stock of private rental housing in the province. It provides municipalities with the authority to protect rental stock. No demolition or conversion to another use, renovation, repair or severance of residential property can occur until the local council approves. The condominium conversion regulations apply to the entire province. All other aspects of the Act apply only to those municipalities named in the regulations (generally, municipalities with populations over 25,000). Local councils can only approve an application affecting rental stock if one of four criteria are met: 1) the proposal does not adversely affect the supply of affordable rental housing in the municipality; 2) the applicant agrees to provide the same number of new rental units in a similar rental range and in the same area to any tenant who is displaced; 3) to demolish a building, council must find the property unsafe and unfit for human habitation; and 4) to renovate and repair, council must find the property to be unsafe and unfit for human habitation without the repairs.

3.2.2 San Francisco, One-for-One SRO Replacement, 1979

A San Francisco Planning Department a study of residential hotel units found that an estimated 5,700 units had been lost between 1975 and 1980. This loss of almost 18% of the entire stock was found to have "potential serious social and economic impacts on the lower income population living in residential hotels." The Board of Supervisors acted in December 1980, passing a permanent Residential Hotel Unit Conversion and Demolition Ordinance (HCDO), the first such law in the United States.

The ordinance was a permanent moratorium which allows for the conversion of residential hotel units to other non-residential use only through a permit procedure that requires provision of one-for-one replacement units or contribution of 40% of replacement construction costs. It required an owner to provide one-for-one replacement of the low-income units that would be lost, at the same rent level, before a permit to convert would be issued. The intent was to conserve all remaining residential hotels as "an endangered housing resource."

The City settled on a figure of 40% of the replacement construction costs, plus site acquisition costs, because it was felt that would provide a nonprofit organization with enough equity, given the then-existing federal funds, to replace the units.

The new law also mandated an annual status report to determine its effectiveness. Each residential hotel in the city must maintain a daily log of the status of each room, and a report must be filed annually summarizing the activities and services provided to permanent hotel residents. Only hotels that comply with this reporting requirement are granted licenses. One-for-one replacement housing can be accomplished through: construction of comparably sized and priced units; provision of similar low cost units elsewhere in the marketplace; or payment of 40% of the cost of construction of an equal number of comparable units plus site acquisition costs. Relocation assistance must also be provided to permanent residents in the form of moving expenses up to $300.

Additional Ordinances, San Francisco. Following a series of well-publicized incidents of landlords cutting off heat and hot water to elderly SRO residents in late 1982, the City's Board of Supervisors enacted two new ordinances. Ordinance No. 53 requires minimum heat levels (68 degrees Fahrenheit) for 13 hours a day (5 a.m. to 11 a.m. and from 3 p.m. to 10 p.m.). Ordinance 52-83 provides for minimum hot water levels (105 - 120 degrees, with 4 gallons per hotel room, 8 gallons per apartment) for 24 hours a day. Both ordinances took effect in February 1983.

A few years later, the Board passed another ordinance placing an annual limit on the number of rental apartments that could be converted to higher-priced condominiums. The ordinance set a limit of 200 units per year. By protecting existing affordable rental housing, it helped decrease the demand on low-cost hotel rooms that displaced apartment tenants were generating.

Late in 1985 the Board passed another ordinance requiring a conditional use hearing before the City Planning Commission before any residential unit in a commercial (C) or industrial (M) zone could be converted to any other use. Prior to this ordinance conversions in C and M zones were a permitted use requiring no public review.

3.2.3 New York City, Temporary SRO Demolition and Conversion Moratorium, 1985/86

In order to assess the future of the SRO stock and decide on a course of action to preserve it, New York City imposed an 18-month moratorium on SRO demolition and conversions, a measure sponsored by the Mayor's Office of SRO Housing.

Local Law Fifty-Nine, which imposed the moratorium on conversion, alteration and demolition of single-room occupancy multiple dwellings, was signed into law by Mayor Koch in August 1985. In its declaration of legislative findings and intent, the City Council declared that

> *a serious public emergency exists in the housing of a considerable number of persons which emergency has been created by the loss of single-room occupancy dwelling units housing lower income persons; that adequate housing resources to effectuate relocation of such occupants do not currently exist; that many of such occupants are elderly and infirm persons of low income who are incapable of finding alternative housing accommodations; that a considerable number of such persons have become part of a growing homeless population; that the intervention of the city government is necessary to protect such housing stock by imposing a moratorium on conversions, alterations and demolitions of single-room occupancy multiple dwellings; that during such moratorium the Department of Housing Preservation and Development, after consultation with the Mayor's Office of SRO Housing, shall arrange for the preparation of a study to determine the best means of making available single-room occupancy dwelling units and other housing for low income persons.*

A report titled *Single Room Occupancy in New York City* was prepared in January 1986 in response to the law's provision for a study of the best means of making available single-room occupancy dwelling units and other housing for low income people.

The report concluded that the city can intervene to enhance the supply of affordable housing units acting to retain units that would otherwise be lost to the inventory, by creating incentives for, and by removing obstacles to, the development of new units, or by a combination of both. In addition, combinations of these approaches could be used to maintain and/or expand the supply of single room occupancy units and at the same time provide the safeguards necessary to insure that this housing will be designed and operated in a manner consistent with other legitimate concerns of public policy. The report also addresses the policy issues raised by the current illegal occupancy of single room units. See: A.J. Blackburn (1986) *Single Room Occupancy in New York City*, N.Y.: Department of Housing Preservation and Development.

3.2.4 Los Angeles, SRO Hotel Demolition Moratorium, 1989

In 1987, the Los Angeles City Council adopted an ordinance prohibiting the demolition of single room occupancy hotels pending the development of long-term policies regarding this portion of the housing stock. In 1989 the previous interim moratorium was extended from 180 day durations to one year increments, renewable for a total of three years. The rationale for the extension and continued study lay partly in the recognition that the solutions to the problems of SRO housing are an integral part of addressing other, larger scale housing issues. The future of SRO buildings was seen to be bound up in zoning and planning policies that include community development and issues of mixed commercial-residential use.

The moratorium stipulates that the units in a single room occupancy hotel cannot be demolished or converted to other uses except through a hardship exemption, granted by the City Council.

Exemptions can only be granted if it can be shown that: repair or rehabilitation of the unit would be economically infeasible; the applicant has made reasonable efforts to obtain private and public financial support; the applicant has not allowed the property to decay through deferred maintenance; and the applicant has complied with all applicable municipal codes. If the unit cannot be economically retained, the owner must provide a one-for-one replacement of a similar type and cost, or pay $25,000 per unit into a special trust fund. The monies in this fund can only be used for the preservation or construction of low income housing. The city will also withhold occupancy permits for any new development until 25% of the replacement SRO units are occupied. (*Contact: City of Los Angeles Community Development Department, Rent Stabilization Division, Room 800, 215 West Sixth Street, Los Angeles, CA 90014, 213/485-5973.*)

3.2.5 Seattle, Housing Preservation Ordinance, 1985, and Downtown Housing Demolition Moratorium, 1988

Seattle's 1985 Housing Preservation Ordinance (HPO) was enacted in response to a continued loss of low rent housing to demolition. It was intended to mitigate the loss of scarce housing resources by both demolition and change of use. The ordinance applied to all housing in the city except in the lowest density residential zones, and it covered virtually all housing units except those owned by the Seattle Housing Authority.

The HPO required relocation assistance of up to $2,000 per household. It required that all housing demolished downtown be replaced downtown and that rental housing be replaced with rental housing. Developers were allowed several options for providing replacement housing, including contributing cash to a low income housing replacement fund, providing housing directly, or providing it through joint-ventures with housing developers. As an incentive, developers who provided low income replacement housing needed to replace only one-fourth of the net square footage demolished. By contrast, developers who provided market-rate replacement housing had to provide 100% replacement in the highest density zones.

The HPO was struck down by two State of Washington court decisions in 1987. In early 1988 the City of Seattle imposed a twelve month moratorium on housing demolition in the downtown area. The moratorium was declared in order to allow time for alternatives to the HPO to be developed.

In March 1989 the City of Seattle's Office for Long-range Planning released a report titled: *Analysis of Alternatives in Response to the Moratorium on Downtown Low Income Housing Demolition.* This report summarizes the work on alternative measures. A City Council resolution (#27826) in August 1988 identified a final list of fourteen alternatives to be studied by the Office for Long-range Planning. The major recommendations from the moratorium work program are:

- restructure the downtown office development bonus system to give higher priority to housing;

- lower the income levels served by the bonus housing program; and

- work for state and federal legislation to provide tax incentives and funding for low income housing.

Measures to alter the land use policies and codes to reaffirm the City's commitment to preservation and production of this housing were also recommended. The City of Seattle is unable to use a variety of regulatory measures because of Washington State's state laws which limit local government authority. (*Contact: Patricia Chemnick, Senior Planner, Office for Long-range Planning, City of Seattle, Executive Department, 200 Municipal Building, Seattle, Washington 98104, 206/684-8056.*)

3.2.6 San Diego, Residential Hotel Preservation Regulations, 1987

San Diego's Residential Hotel Preservation regulations, adopted in 1987, mandate the preservation and encourages the rehabilitation of old SROs, and provides opportunities and incentives for development of new SRO hotels. These regulations extend the 1985 Emergency SRO Preservation Ordinance, that placed a moratorium on demolition and conversion of SROs. While the new law is somewhat more flexible -- it allows some demolition without replacement if the overall supply of SRO units continue to increase -- it still requires owners who remove SRO units from the market to help tenants find comparable housing.

To obtain a demolition permit for residential or transient hotel rooms, the applicant must replace the units within three years. The replacement units must be located within the Community Plan area or along public transportation corridors approved by the San Diego Housing Commission. Rents for the replacement units must be affordable to very low and low income single person households. One-for-one replacement units must remain available for a period of 10 years, and can be provided through new construction, rehabilitation or conversion of existing residential or non-residential structures, or in-lieu contributions must equal 50% of the costs of new construction for replacement, and the money is put into a fund to be used exclusively for production or rehabilitation of SRO units.

3.2.7 Seattle, Downtown Rental Housing Maintenance of Occupancy Ordinance, 1985

Seattle's 1985 Downtown Housing Maintenance Ordinance (DHMO) was drafted to address the problem of abandonment of low income housing in the Downtown and First Hill neighbourhoods. The DHMO is intended to ensure that low income housing remains occupied at least until such time as permits to demolish or change use are issued.

The DHMO supplements the City's existing housing and building safety codes by requiring owners to maintain low income rental units in habitable condition and offer them for rent. The DHMO helps prevent the "premature withdrawal" of units from the rental market. Ordinance objectives are achieved through the regulation of low income units which have been rented at any time in the last two years and are in buildings located downtown or on adjacent First Hill. Owners of these buildings must rent all habitable units. They must also repair the units which can feasibly be made habitable and put them on the rental market. City loans and grants up to

$2,000 per unit are available through a fund administered by the City's Department of Community Development.

3.2.8 Burlington, Vermont, Housing Preservation and Replacement Ordinance, 1989

Although Burlington, Vermont is not a large city with SRO stock, the recently adopted *Housing Preservation and Replacement Ordinance* is an example of what some U.S. cities facing strong redevelopment pressures and escalating houses prices are doing in order to protect the existing affordable housing stock. Burlington, like many other Vermont cities, began to experience rapid economic growth in the early 1980s. Houses prices, due in part to an influx of buyers from higher-priced out-of-state markets, began rising at about 2% a month in the mid 1980s.

In May 1989, by an 11-2 vote, Burlington City Council adopted regulations which require developers who wish to demolish or convert housing to replace the housing on a unit-for-unit basis. Under the ordinance, developers can replace housing in one of three ways: construction of new units with the same number of bedrooms; rehabilitation of an existing non-residential structure into housing; or through the payment of a cash subsidy in order to reduce the rent on new market-rate units to a level that is affordable for households earning less than 65 percent of the City's median income. (*Contact: Community and Economic Development Office, City Hall, Burlington, Vermont.*)

3.3 Study of Residential Hotel and Rooming House Regulations

Effective implementation of regulatory measures requires that they be carefully designed and assessed from time-to-time. In addition, new objectives may emerge based on changing circumstances.

Major North American cities all have very large numbers of single person households living in rooming houses or residential hotels. The regulations relating to this stock are now the subject of a great deal of study. New regulations are often controversial. A method of involving all affected sectors which also helps inform the public debate by bringing forth detailed information about the problem, is the establishment of a high profile Task Force or Advisory Committee and the commissioning of related studies. Provided below are examples of such activities relating to the Toronto area. Similar examples could have been provided from many major metropolitan areas.

3.3.1 Metro Toronto, Task Force on Housing for Low Income Single People, 1983

In order to develop concrete solutions to the problems identified in a Metro Toronto study titled, *No Place to Go: A Study of Homelessness in Metropolitan Toronto*, a Task Force was established under the auspices of the Community Services and Housing Committee of Metropolitan Toronto. Its mandate was to develop a concrete strategy to provide housing for low income single people. The specific objectives were: (1) to increase the supply of affordable accommodation for low

income singles; (2) to improve the stock of existing accommodation for low income singles; (3) to improve access to the existing accommodation for low income singles; and (4) to develop specific initiatives to assist homeless youth.

The Task Force held public meetings, meetings with representatives of the target population, interviewed experts, studied several case studies and met with numerous relevant groups. The *Final Report* of the Task Force outlines its findings about the nature of the problem and makes a series of recommendations directed to all levels of government. (See: Metropolitan Toronto Task Force on Housing for Low Income Single People, *Final Report*, 1983.)

3.3.2 Ontario Task Force on Roomers, Boarders and Lodgers, 1986

In December 1985 the Ontario Minister of Housing announced a comprehensive package of housing initiatives. This included a demonstration program for low income singles and assistance to create additional rooms in private homes and to convert non-residential buildings into dwellings for singles. In order to develop further policy and programs for roomers and boarders, a task force was established to examine the issues of tenant protection and supply of units.

The terms of reference for the Task Force on Roomers, Boarders and Lodgers was:

> *To examine the issues related to both the supply and regulation of roomer, boarder and lodger accommodation in Ontario, and to propose measures to:*
> - *ensure an adequate supply of affordable, accessible accommodation for low income single individuals, including those requiring or preferring rooming and boarding house-style accommodation;*
> - *develop and ensure adequate standards in accommodation and tenant protection;*
> - *respond to specific areas of need wherever they occur in Ontario including the burgeoning problem of the homeless.*

Dale Bairstow chaired the Task Force. Five key groups of actions dominate the recommendations of the Task Force's final report:

- measures to offer and enforce legal and practical protection to homeless persons and to roomers and boarders so that they can obtain housing and not be evicted from it without justification;

- measures to keep private owners and operators of rooming and boarding accommodation in business by helping protect them against certain extraordinary risks they face, and by assisting with certain key aspects of rooming and boarding economics;

- measures to increase dramatically the supply of accommodation that is available for $300 a month or less so lower-income singles can have enough money left over for other essentials of existence, and so that public subsidies for low income singles housing can be minimized;

- a measure to supplement the incomes of those who cannot afford even the cheapest accommodation, in a way that will not drive up the rents of available housing;

- measures to gear the housing system in Ontario to the needs of low income singles and of single persons generally. (*A Place to Call Home*, 1986:iv-v)

The Task Force produced a number of reports, including the following: *Housing for Roomers, Boarders, and Lodgers: The "State of the Art"*, May 1986; *A Place to Call Home: Housing Solutions for Low Income Singles in Ontario, Report of the Ontario Task Force on Roomers, Boarders and Lodgers*, December 1986.

3.3.3 Ontario, Advisory Committee on Roomers, Boarders and Lodgers, 1986

When the Task Force of Roomers, Boarders and Lodgers was appointed in 1986, the Ontario Minister of Housing also appointed a special advisory committee which would report to him directly. This committee was composed of tenants, landlords and an equal number of municipal government representatives. It studied the problem of supply, support services and tenant protection in conjunction with the Task Force but with a focus on the particular *form* of rooming and boarding houses as part of the housing stock. The Task Force, on the other hand, defined housing needs in terms of specific client groups (e.g., ex-psychiatric, low income, etc.).

In 1987 the Advisory Committee completed its report. In summary,

> *the Committee felt it must support the immediate expansion of the supply of rental rooms through intensification of the existing housing stock. It also supports the regulation of the housing stock to ensure quality and incentives to upgrade the stock to meet realistic housing standards. In the longer term, however, the Committee overwhelming supports the development of self-contained housing units through new construction and conversions.* (*Report to the Minister*, 1987:3)

For further information, see: Ontario Advisory Committee on Roomers, Boarders and Lodgers, *Report to the Minister of Housing*, March 1987.

3.3.4 San Diego, SRO Task Force, 1987

The City of San Diego established an SRO Task Force comprised of public and private sector participants to identify the impediments to new SRO construction. Fire codes, building codes, zoning regulations and financing were evaluated with the goal of creating a situation where the private sector finds it economically feasible to invest in the rehabilitation of old and the construction of new SRO development projects. An SRO program was adopted in July, 1987, and the barriers to new construction were effectively eliminated. Over 2000 new SRO units have been constructed between 1988 and 1991. (Contact: Myles Pomeroy, Senior Planner, City of San Diego Planning Department, Executive Complex, M.S. 660, 1010 Second Avenue, Suite 600, San Diego, California, 92101, 619/533-3696.)

3.4 Mayor's or City Manager's Office Involvement

3.4.1 New York, Mayor's Office of SRO Housing

In New York City, the Mayor's "Office of SRO Housing" works through the City Council and the courts to preserve SRO housing in the face of some of the strongest development pressure in the country. The office has generated a number of ordinances to safeguard SROs, such as establishing real estate tax benefits for upgrading hotels without conversion to another use. They also work through housing court to have abused hotel's placed in receivership, at which point they are managed by non-profit housing groups. (*Contact: Mayor's Office of SRO Housing, 51 Chamber St., Room 1202, New York, NY 10007.*)

3.4.2 Portland, Mayor's 12 Point Plan for the Homeless

Portland, like many North American cities, found that the number of homeless was increasing dramatically in the 1980's. The average age of a homeless person fell from 52 to 38, and a growing number of women and families were without homes. In 1970 Portland had 4,100 downtown residential hotel rooms. Over the 16 years to the end of 1986, 2,400 of these had been lost, usually to redevelopment and gentrification -- a 59% decline. One of the purposes of the "12 Point Plan" is to save the remaining 1,700 units. The housing component of the plan includes initiatives such as the following.

- The Portland Development Commission has authorized $8 million to preserve and increase the city's downtown rental housing stock. The Corporation will provide capital financing for about 750 units over a three year period. This is the first step in a ten year initiative to replace housing that has been lost over the past decade.

- Two SRO hotels have been purchased and renovated by the city. One of the hotels is now called the Glisan Street Multi-Service Center. It includes both SRO housing for 60 residents and the offices of social service agencies.

See: *Breaking the Cycle of Homelessness: The Portland Model*, Office of the Mayor, City of Portland, September 1988. (Contact: Bureau of Community Development, City of Portland, Portland, OR 97204, 503/796-5166.)

4. Subsidy Options – Existing Stock

4.1 Rehabilitation Assistance

4.1.1 Rental RRAP

This Canadian government program assisted landlords in the rehabilitation and repair of dwellings with forgivable loans and technical assistance. For landlords of rental units entirely forgivable and interest-free loans in the amounts of $12,000 for self-contained, and $8,500 for hostel or rooming house bed units, were made available. The rent charged before repairs should have been at or below the average market rent and the landlord must enter into a 15 year rental agreement. Because of cuts in the Federal Government Budget, further allocation of funds for RRAP for rental units was terminated in 1989.

4.1.2 Ontario, Low-Rise Rental Rehab Program – Rooming Houses, 1985

The Ontario Low Rise Rental Rehabilitation Program's objectives are to: improve the physical condition of low rise rental housing while ensuring the units remain affordable for low and moderate income tenants; prevent the deterioration of low-rise buildings and extend their useful life by 15 years; and rehabilitate 19,000 rental units. The program offers landlords forgivable loans of up to $5,000 per unit to help them upgrade at least 19,000 older low-rise apartments and rooming houses. The apartments must be in buildings of less than five storeys and must be 25 years old or more. Only essential repairs required to bring the buildings up to minimum standards are eligible. The landlord must also file plans demonstrating methods to minimize tenant disruption during the rehabilitation work.

The forgivable loans are secured by mortgages held by the Ontario Mortgage Corporation. No repayments are required for the first five years of the loan, after which forgiveness will be earned at the rate of ten percent per year. Forgiveness is subject to the units remaining as rental, the property is retained by the owner, and the owner demonstrated an effort to prevent tenant disruption during the rehabilitation process.

4.1.3 San Diego, SRO Hotel Action Plan, 1986

In 1986 the San Diego City Council directed the Housing Commission to develop a specific plan to help preserve SRO hotels as a viable housing option for low income tenants. The Council

further directed the Housing Commission to allocate $1.6 million during the 1987 fiscal year to implement this plan. This directive was a response to the loss of over 1,200 SRO rooms in San Diego in ten years from 1976. The loss was due to demolition and conversion, while at the same time, the low income and homeless population in the Downtown area continued to increase.

The SRO Action Plan called for the construction and/or rehabilitation of 800 SRO rooms during 1987. It was anticipated that most of these will be accomplished in partnership with the private sector. In addition, the Housing Commission was to rehabilitate and construct 100 rooms for the "at risk" population in conjunction with local non-profits. The Action Plan called for expenditures of monies, partly committed by the City and partly provided by private sector partners and foundations, to continue through 1990. The goals were not only to increase the number of SRO units in the downtown, but to develop a demonstration model of a new SRO hotel.

In exchange for a commitment to subsidize rents on at least 20 percent of their units for five years, the City offered low interest loans to SRO developers. The $2.9 million the city has spent to mid-1989 has leveraged over $25 million in private SRO development funds. The City's example has also encouraged lending institutions to agree to finance several new SROs. Particularly important in the San Diego program are the regulatory changes that relax standards for new construction without jeopardizing health and safety. In addition, the planning department staff developed a new definition for "living unit" with a minimum floor area of 150 square feet for two people. These changes were seen as ways to reduce cost for developers.

4.1.4 Portland, Downtown Housing Preservation Loan Program

The City of Portland's Downtown Housing Preservation Program is designed to help preserve and increase the City's stock of downtown housing for very low income people. It is a loan program to help owners acquire and/or renovate existing property and develop new housing. The Downtown Housing Policy commits the City to assure that the 5,183 low income units that existed in 1978 be maintained. The Portland Development Commission estimates that 59% of all single room occupancy residential hotel units were lost to demolition between 1970 and 1978. Since 1978 there has been a further 18% decline in these Downtown units. The Portland Development Commission has authorized $8 million to preserve and increase the stock of low rent downtown housing. Over the next three years it plans to provide capital financing for about 750 units, a first step in a ten year initiative to replace housing that has been lost over the past decade. Program funds will be used to help individuals acquire and renovate existing housing and to develop new units. Private and non-profit owners will be assisted. Two-thirds of the money is set aside for projects for very low income and homeless people, many of whom are no in shelters or other temporary quarters. *(Contact: Portland Development Commission, City of Portland, Portland, OR 97204 503/796-5300.)*

4.2 Non-Profit Housing Rehabilitation and Management Corporations

An effort to maintain and improve the existing residential hotel stock must be implemented by some sort of organization or agency. A community based, non-governmental organization is likely

to be more responsive to real needs and conditions than a government department. There are many examples of successful community-based, inner-city development corporations which have been established jointly by government, private sector interests and community groups. Three west coast examples are described below.

4.2.1 San Francisco, Tenderloin Neighbourhood Development Corporation

Established in 1981, the Tenderloin Neighbourhood Development Corporation (TNDC) acquires and rehabilitates housing for low income people in the Tenderloin neighbourhood near downtown San Francisco. The neighbourhood is one of San Francisco's most densely populated: 24,000 people live in its 50 square block area. Of the 15,000 living units in the area, about 13,000 are single rooms or studios.

The Corporation removes properties from the speculative market and provides an environment for tenant organizing and co-op development. It owns six buildings with 475 units and is in the process of rehabilitating several other buildings. Educating residents to manage and own their buildings is a long-term objective. Residents comprise one third of TNDC's Board of Directors and, in 1986, residents of the 40 unit Aarti Hotel entered into the first renters' co-operative contract.

Government subsidies, generally in the form of acquisition grants and deferred construction loans, keep rents affordable. In 1987 the TNDC's operating income came from the following sources: 43% rents; 37% building acquisition and rehab grants; 11% from management and food service fees; and 9% from other community development grants. *(Contact: John Stern, Executive Director, Tenderloin Neighbourhood Development Corporation, 230 Hyde Street, San Francisco, CA 94102, 415/776-2151.)*

4.2.2 Los Angeles, Single Room Occupancy Housing Corporation

Los Angeles began its efforts at preserving and rehabilitating SRO stock in 1975, with the adoption of a Central Business District Redevelopment and Revitalization Project. A pilot project resulted in the upgrading of 20 SRO units in two hotels and later a Priority Intervention Area Program was instituted to preserve over 1,000 units.

In March 1984 the City created the SRO Housing Corporation, a nonprofit development corporation specializing in residential hotel renovation and management. Its mandate is to develop and implement a comprehensive plan to provide improved housing opportunities through the rehabilitation of housing and related commercial and recreational facilities to serve the Central City East Neighbourhood of Los Angeles. Primary funding is provided by the Los Angeles Community Redevelopment Agency (CRA). L.A.'s "skid row" area has about 80 SRO hotels with about 8,000 units. The CRA's objective is to acquire, renovate, and manage 1,100 of these units. A non-profit corporation was established because it was felt that a traditional, bureaucratic organization could not perform the task as well.

By 1989, the SRO Housing Corporation has grown to have a staff of 75 with an operating budget of about $4 million. It has purchased 11 hotels and is in the process of renovating about 1,000 units, bringing them into compliance with seismic, fire, and health and safety code regulations. The buildings are also being provided with community lounges, kitchens, dining areas, and laundry facilities. The Corporation already manages 796 units in seven operating residential hotels. Through a contract with the Los Angeles County's Department of Public Social Services, over 300 rooms are reserved each day for the homeless. Since this program began in September 1987, over 65,000 shelter nights have been provided for homeless indigents through the County's voucher program. Special needs housing is also being developed at several of the hotels, including housing for elderly men in an alcohol-free environment, and housing for the stabilized chronically mentally ill. *(Contact: Andy Raubeson, Executive Director, S.R.O. Housing Corporation, 311 South Spring Street, Suite #1110, Los Angeles, California 90013; 213/229-9640.)*

4.2.3 Portland, Central City Concern

The Central City Concern (CCC) was established in 1978 to assist local government in the development and implementation of public policy in Portland's central city neighbourhoods. It is a non-profit community based membership organization serving the needs of low income people by providing housing and development services. There are individual, agency and business members. CCC provides direct services in two areas: housing for low and no income people, and intervention for alcohol and drug dependent individuals through the Hooper Center. It has a housing management and development division engaged in management of ten residential hotels (of which its four) and development of residential projects, for itself and for other agencies. CCC manages 737 units, of which it owns 253. In addition CCC leases housing units to social service agencies who provide programs for tenants with special needs (mentally ill, substance abusers, ex-offenders, women and children with special needs). *(Contact: Central City Concern, 222 NW Couch, Portland, OR 97209, 503/294-1681.)*

5. Subsidy Options – New Supply

5.1 Special Programs for Housing Single Person Households

Public and private sector apartment buildings can be built to suit the needs of single person households. These need not be fully subsidized projects for the very poor. Small unit sizes and central locations can be suitable for a variety of moderate income singles whose jobs are insecure or require moving often. Construction of a number of good quality apartment buildings for moderate income singles may help relieve gentrification pressure on existing residential hotels. A renovated existing building, unless the renovations were extremely thorough and of very high quality, is unlikely to be as desirable as a recently built building, so long as rent levels are within the same range.

Not all subsidy options, therefore, need to involve the same levels of subsidy or address the same segment of need. Since most inner city single person households are on very low incomes or benefit payments, preservation of the existing low rent stock and provision of new highly subsidized stock is still a necessity. The following are examples of initiatives which have produced new or renovated apartment hotel or rooming house stock.

5.1.1 Private Sector Apartment Buildings for Single Person Households

Private sector apartment buildings can be built to meet the needs of single people. These developments consist of small self-contained units similar to bachelor apartments. In Toronto several of these apartment buildings were built in the 1970s. In today's real estate market, some form of initial subsidy would likely be required.

The following three examples of projects in Toronto each have professional property management staff live in the building to ensure proper maintenance and the peaceful co-existence of tenants.

- The Alexandra Park development (55 Grange Avenue and 77 Ryerson Avenue) was built and mortgaged by the Manufacturer's Life Insurance Company which continues to manage the properties. It consists of two 6-storey buildings each containing 87 furnished mini-bachelor units. The Alexandra Park buildings were developed to accommodate low income, young, single working people. Tenants include clerical workers, labourers, students and professionals.

- Bradley Court (280 Dundas Street East) is a 10-storey building containing 240 furnished mini-bachelor units. This building was developed as a special initiative by CMHC under the Limited Dividend Program. Bradley Court was designed to accommodate low income singles.

- Bradwin Court (266 Sherbourne Street) is a 13-storey building containing 120 furnished mini-bachelor units for low income single people. Also developed as a special initiative under the Limited Dividend Program, the existing mortgage is carried at an interest rate of 8%.

In its final report, the Metropolitan Toronto Task Force on Housing for Low Income Single People concluded the following about projects such as the three described above.

- Fundamental to the success of these singles apartment buildings in Toronto was the availability of preferred financing. Today, new private sector developments are not financially viable without a comparable subsidy.

- The mini-bachelor unit, available in the three singles apartment buildings described, is the type of housing preferred by many of the low income single persons interviewed by the Task Force members.

- Management is a key factor in the success of the singles apartments. A live-in superintendent was cited as essential to the management of the buildings in terms of ensuring both good maintenance and appropriate tenant selection.

- When developing singles accommodation, through construction or conversion, consideration must be given to integrating the housing into the existing community and to avoiding an over concentration of any one segment of the population in one area.

5.1.2 Toronto Cityhome, Singles Housing Opportunity Program, 1988

In October 1988 the City of Toronto Non-Profit Housing Corporation initiated a Singles Housing Opportunity Program (SHOP). The goal is to provide permanent geared-to-income housing for the single working poor, single welfare recipients and for homeless individuals. The program is intended to produce integrated housing (as opposed to special purpose housing such as housing for ex-psychiatric patients); use enhanced, participatory management; and be in the form of small projects in individual houses or as part of larger projects.

The following is an outline of the program:

- SHOP will provide 1,000 units, primarily for single persons, starting in 1989 and extending over about 3 years.

- Properties/projects will be developed, renovated if necessary, and owned by Cityhome, and all or partly managed by community-based agencies under a management contract. Arrangements between Cityhome and agencies vary from group to group.

- Funding for enhanced management will be provided as part of the approved operating budget.

- Most units will be scattered houses in various parts of the City of Toronto. Some could be in clusters of apartments in larger Cityhome non profit buildings.

- SHOP is funded by the Ontario Ministry of Housing under its "Homes Now" program. Capital funding is provided by Ontario Mortgage Corporation from Canada Pension Plan funds, and operating subsidies covering the difference between RGI rent revenue and approved operating costs are also provided by the Ministry of Housing.

- Site selection and any renovation required will be coordinated by Cityhome. Properties suggested by the management agency applying may be considered for acquisition by Cityhome under SHOP. Usually, however, applicants will be expected to choose from an inventory of properties which has been assembled by Cityhome.

- Properties will usually not require rezoning or other land use approvals for the proposed use, but there may be exceptions.

- Community-based groups applying to Cityhome must meet program criteria and have an approved management plan before a property will be available for their use.

- The target tenant mix may be as high as 100% rent-geared-to-income, but this will be less likely in projects larger than 12 units. Up to 50% of the tenants can be currently homeless.

This is an example of a method for integrating assisted housing designed for single people into a larger residential building or project. A developer could be required to either provide or make available space for so many units -- several floors of a building, for example. This may be part of the allowable zoning, or city could provide additional floor area space for the special units. The units could be non-market or market (at regulated rents). In large projects a mixture of both could be provided.

5.1.3 San Diego, Living Unit Supply Program, 1989

Planners in San Diego recognized that studio apartment units were too expensive for many lower income residents and that these residents did not want to either share a studio, or live in an SRO unit. Consequently, in 1987, as part of the SRO program, the City Council adopted a recommendation "to aggressively pursue state legislation to allow a new type of housing unit in San Diego." San Diego calls this innovation the "Living Unit." A state law that became effective in 1988 required the adoption of an ordinance by the City to regulate the planning, design, and

construction of Living Units. A Living Unit Task Force drafted the ordinance that created a hybrid between an SRO hotel room and a studio apartment. According to State of California law, the Living Unit has a minimum dimension of 150 square feet and may have partial kitchen facilities and/or partial bathroom facilities. A maximum occupancy of two persons per living unit is permitted.

The ordinance permits a Living Unit anywhere a hotel/motel use is permitted and in high density multi-family zones within one half mile of major hospitals, colleges, large military installations and within 500 feet of transit nodes and corridors. The ordinance also contains provisions for minimum and maximum room size, amenities, affordability, management, impact fees, design review and enforcement. The Municipal Code was also amended to differentiate a Living Unit from a Single Room Occupancy Hotel unit.

5.1.4 San Diego, Finance Assistance to SRO developers, 1986

The San Diego Single Room Occupancy Hotels Action Plan contained provisions for financial assistance to developers so that not only would the existing stock be conserved, it would be supplemented by new SRO construction. The plan sets targets for private sector rehabilitation and new construction (rehabilitate 250 and construct 450 units within one year). The plan also committed $1.6 million in 1986 and a minimum of $4.4 million by 1989 to finance rehabilitation and construction of SROs. The Housing Commission subsequently adopted "Guidelines for Financial Participation in Housing Development Projects" and "Restrictions on Single Room Occupancy Hotels Financially Assisted by the Housing Commission." The guidelines stipulated that rental restrictions remain for a minimum of ten years and construction loans were made at 3%. The principal on the first loans was deferred and the City participated in a share of the profits at the time of sale. The developer had to agree to rent 20% of the rooms to low income tenants (40% of median adjusted gross income) and the rents charged could not exceed 30% of that gross monthly income. By mid-1988, over $2.2 million had been committed to rehabilitation or new construction projects. In addition, the city was involved in two land lease arrangements with developers, for a total of 212 new units.

5.2 Housing First Policy for Public Lands

A "Housing First" policy is a strategy whereby vacant or underutilized public lands (any level of government) are developed for housing, or at least seriously considered for housing use before being disposed of for any other use. A possible version of this policy aimed at helping the supply of new low-cost units would be to further focus the policy on social housing -- not simply any form of housing.

5.3 Special Municipal Funding Arrangements

The City of Seattle has a population of about 500,000, which is about 40% of the Seattle regional population (King County, 1.3 million). Over the past ten to fifteen years Seattle has had to face dramatic growth pressures, particularly in the downtown area, as well as a significant decrease in federal housing assistance. Federal funds for low income housing in Seattle fell from $42 million in 1979 to $3 million in 1985. The stock of downtown low rent housing was declining and the number of homeless increasing. In view of these conditions, Seattle has used its own tax and planning authority to produce new municipal funds for low-cost and inner-city rental housing.

Described below are two methods Seattle is using to finance municipal housing initiatives, initiatives mainly linked to the downtown residential hotel and rooming house stock. The voters approved a special housing levy to be added to the property tax bill for an eight year period. In addition, a small portion of new property tax revenue from newly developed downtown projects is also allocated to a special housing fund.

5.3.1 Seattle, Housing Levy, 1986

A $50 million Housing Levy Ordinance (#112904) was approved by municipal voters in the fall of 1986. This special levy is designed to fund unmet housing needs identified by the City, primarily housing for extremely low income households (incomes at or below 30% of Seattle's median income). Levy funds will be used to produce 1,000 permanent, high quality housing which, whenever possible, supports other community development strategies identified by the City or neighbourhood groups. Levy units will be developed for families, special needs populations and the homeless. All types of non-profit agencies will be involved in the production of the units. The funds are administered by the City's Department of Community Development and the Seattle Housing Authority.

The Ordinance requires annual preparation of an Overall Housing Development Plan. It specifies the following distribution of the $50 million:

- scattered site housing for large families, 24%;
- scattered site housing for small families, 20%;
- downtown special needs and SRO housing production, 30%;
- downtown housing stock preservation 12%;
- operating and maintenance trust fund, 10%; and
- administration, 4%.

The housing levy is an eight-year program, funded by regular property tax levies from 1987 to 1994. See: *Seattle Housing Levy Program: 1989-1990 Overall Housing Development Plan*, Seattle Department of Community Development, 1989. *(Contact: Housing Development, Seattle Department of Community Development, 700 Third Ave., Seattle, WA 98104, 206/684-0377.)*

This special 1986 housing levy is the second such initiative approved by City of Seattle voters. In 1981 voters approved a $48 million general obligation bond issue to construct 1,000 housing

units for the elderly and handicapped. Implementation of this program was so successful that 1,200 units were produced, 200 more than anticipated, in a relatively short time and at a reasonable per unit cost.

5.3.2 Seattle, Growth Related Low Income Housing Program, 1987

This program allocates a portion of property taxes received from new development projects in downtown Seattle for low income housing. Eighty percent of the taxes collected under this housing program from each new development are placed in a low income housing development fund the first year. That amount declines by 20% per year thereafter. At least 75% of the housing funds generated by this program must be spent in downtown Seattle. This is not an additional tax on new development. It is, rather, a special allocation of a part of the regular taxes collected from new development.

5.4 Conversion of Existing Dwellings

The Ontario Ministry of Housing and some Ontario municipalities have been very active in finding ways to encourage better utilization of the existing stock of buildings. They have mounted several innovative programs, including:

- a "Granny-flat" demonstration program to place small self-contained units in the back or side-yards of single-family homes;
- an "Add-a-Unit" demonstration program to encourage creation of self-contained dwellings within single family homes;
- a Home-Sharing program to match people who have extra space with those who want to share a home;
- the Convert-to-Rent program, which provides interest-free loans to create additional rental housing in warehouses, schools, former industrial sites, and in single family-homes.

The latter program is by far the most important, and has assisted in the creation of over 2,000 additional dwelling places to date. This type of program could be expanded in some limited but useful ways for single person accommodation.

In Ontario's experience, rental accommodation in existing housing will only be provided in substantial amounts if: a minimum of bureaucracy and "red tape" is involved; a clear recognition is given to reasonable limits of neighbourhood acceptance; an active marketing campaign is mounted in targeted areas; and a ready mechanism exists for referring people who want housing and making the selection among occupants easy for home-owners.

5.4.1 Ontario, 1983 Convert-to-Rent Program; 1986 Inclusion of Hostel-Type Accommodation

The Province of Ontario's Convert-to-Rent Program is designed to encourage the creation of moderate cost market rental apartments, primarily through the conversion of non-residential buildings, by offering interest-free loans. Assistance is in the form of 15-year interest-free loans of $7,000 per unit. Eligible properties include vacant factories, schools and warehouses, as well as space over retail stores and offices which could be converted into housing. The program was expanded in 1986 to include loan assistance for the production of hostel-type accommodation. Loans are available when conversions involve small units which are not self-contained. A non-self contained unit is defined as two bedroom areas with access to bathroom and kitchen facilities. Such units would be suitable for single persons. The loans are secured by a mortgage held by the province and repayment of the loan principal commences in year 11 in the form of equal monthly payments over the next five years. All projects must remain as rental accommodation for a minimum of 15 years, otherwise the loan is repayable immediately in full. With few exceptions, the City of Toronto's zoning by-law permits such units in most residential areas.

6. Public/Private Partnership Options

6.1 Private Sector Housing Partnership Initiatives

In some U.S. cities, business has played a more direct role and become involved in public-private-community partnerships that actually build and renovate affordable housing. Private, corporate-sponsored foundations have played a significant part in the success of public-private-community partnerships. In 1979, the Ford Foundation created the Local Initiatives Support Corporation (LISC) to help bring the right players and ingredients together to build affordable housing. Indeed, LISC and other foundations -- the Enterprise Foundation (founded by developer James Rouse), and the congressionally chartered Neighbourhood Reinvestment Corporation, to name two -- have worked in more than 100 cities to get such partnerships off the ground.

6.1.1 The Boston Housing Partnership

The Boston Housing Partnership (BHP) is an example of a major public-private-community partnership. As a result of a "Goals for Boston" planning exercise in 1982, in which the loss of affordable rental housing was identified as a serious problem, the BHP was incorporated in 1983 to develop innovative solutions. BHP was founded on two basic principles: it is an action-oriented agency dedicated to ambitious programs which deliver low- and moderate-cost housing; and its programs are strongly community based.

The 25-member BHP board is composed of three groups in roughly equal numbers: CEOs of leading banks and other businesses; local and state government officials; and the directors of neighbourhood-based nonprofit community development corporations. During its first five years the BHP Board is chaired by William Edgerly, chairman of the State Street Bank. Its current chair is Richard Driscoll, of the Bank of New England.

The BHP's first project combined public and private resources-technical assistance, corporate and foundation philanthropy, loans from the Massachusetts Housing Finance Agency at tax-exempt rates, grants from city government, private financing from Boston's four largest banks -- to rehabilitate 700 apartments in 60 buildings throughout the city, which were then owned and managed by neighbourhood-based nonprofit development corporations. The BHP's second project of 940 apartments in 49 buildings used the same web of financing to raise the necessary $75 million, with one addition. The 1986 federal tax act eliminated most of the tax shelter benefits for individual investors in affordable housing, but Congress substituted a tax credit for

corporations that invest in low income apartments. This provision of the tax code allowed 12 of Boston's largest corporations to profitably invest $16 million in the project. After rehabilitation, ownership of all buildings will be transferred to seven non-profit neighbourhood-based organizations at a nominal purchase price. HUD has made long-term rental subsidies available, so as to house low income households.

While it is recognized that these 1,600 apartment rehabs are only a first step toward alleviating Boston's housing shortage, they have given BHP's nonprofit developers the know-how to undertake complex projects. Some are already building affordable condominiums, co-operatives, and townhouses for lower-income families. *(Contact: The Boston Housing Partnership, 99 Chauncy Street, Boston, MA 02112, (617) 423-1221.)*

6.1.2 South Shore Bank, Chicago

South Shore Bank is a pioneer in the field of "development banking" in the U.S. It is a full service bank and a subsidiary of Shorebank Corporation, a bank holding company created in 1972 to help renew "disinvested" neighbourhoods -- provide investment funds for housing and community economic development projects in areas where most banks would not lend. Shorebank Corporation operates four non-bank affiliates which initiate large scale economic development projects, provide venture capital, and operate social development activities aimed at creating self-sustaining economic renewal in inner-city areas. The Bank and its affiliates have been directly responsible for the rehabilitation of 5,400 rental housing units. Development initiatives of all Shorebank affiliates exceed $150 million.

The Bank's role in this development strategy is operation of an effective credit program. South Shore Bank takes its insured, market competitive deposits and uses the funds to finance the local development activities. The Bank has been able to operate a successful development banking business relying an support from depositors committed to use of funds for productive public purposes. Its cumulative losses on its loan portfolio are less than 2%.

6.2 Downtown Office/Housing Linkage

6.2.1 Definition

> *Linkage is a mechanism of land use regulation that requires or induces developers of certain classes of land use to construct or to help finance the provision of housing (or another public service) as a condition for permission to build or to obtain a planning bonus. From the developers' point of view, linkage is a requirement that a builder who intends to build X must also help finance Y.*

In an effort to address a range of social needs, in particular low cost housing, about a dozen North American cities have implemented some form of fee program linked to the development of office space. Strong demand for new office space, reduced federal funding for housing programs, and

findings of studies focused on the cost of social impacts of major downtown development projects, have all helped spur municipal interest in office/housing linkage programs during the 1980s.

San Francisco, the first municipality to implement an office/housing linkage fee in 1980, and Boston, where a slightly different linkage fee was implemented in 1983, have the most widely publicized programs. A great deal has been written about these two cities. Other municipalities have followed their lead, though each program is different. Linkage programs vary greatly, depending on the creativity of program promoters and the economic and political environment of the city.

For city planners and municipal politicians, "linkage fee" programs generally refer to a variety of measures that require developers to contribute toward the costs of meeting certain social needs, such as new low cost housing, child care facilities, transit systems, and the like, in return for the city's permission to build major new office and commercial developments. The fees are usually called "downtown office development -- linkage fees," or simply linkage fees. They are most often associated with housing, and in particular with housing for low and moderate income households.

Funds collected by linkage programs differ from more conventional development fees in that the money is not used to pay for items that *directly* serve the new development, such as new utilities or streets. Instead, the money is used to help offset the *indirect* effects of the new development on other area's of the city's economy, such as adding to the supply of moderate-priced housing. Linkage fee programs relating to housing are premised on the fact that new office development increases the demand for housing by causing an increase in the work force and that this new development should make a contribution to increasing the supply of affordable housing to accommodate the increased demand.

Linkage programs generally take the form of a fee per square foot of office space. Developers often have a choice between paying the fee or building housing. There are at least four types of linkage programs in effect in the United States:

- *mandatory linkage* (San Francisco, Chicago, Princeton, Palo Alto, Santa Monica, Madison, and Stamford);
- *quasi-mandatory linkage* -- to apply only where any type of zoning relief is requested (Boston);
- *incentive-based linkage* (Seattle, Miami, Hartford, Cambridge, and New York); and
- *negotiated linkage* (Jersey City, Santa Monica).

Linkage programs depend upon a booming demand for office space. A stagnating municipality often needs to make concessions to attract office development. Linkage programs are generally found, therefore, in larger cities which developers and office locators find attractive. This means that an essential prerequisite for a successful linkage program is a booming central area real estate market, which means the presence of excess returns to investment in office space. Excess returns

are those profits realized over and above the returns to investment found in a normal competitive market. The linkage fees exacted from a development reduce the excess return and transfer some of this excess to the public sector.

It is also under a booming real estate market that low and moderate cost housing is likely to be impacted in a negative way which, in turn, produces political demands that something be done. A "successful" linkage program, in the most practical sense, is one which does not deter the supply of new office space when demand requires it *and* produces fees which assist in paying for some of the indirect impacts.

6.2.2 Rationale: The Social Costs of New Development

The rationale for linking downtown commercial development to low cost housing is that office development has both direct and indirect effects that exacerbate problems of providing affordable housing.

The direct effects occur when housing is demolished to make way for commercial developments. Most central areas of major cities are surrounded by older residential districts, generally composed of lower cost housing, a great deal of which is rental stock. When lower cost housing stock is demolished to make way for non-residential development, the taxpayer -- the public sector -- is left with the burden of producing equivalently priced and located replacement housing.

The indirect effects include the increased real estate values in the adjacent area, resulting from the more intense use of land, and the additional housing demand from new employees created by the office development. Both factors can lead to the loss of existing lower cost housing, either by the demolition of the existing units or by their gentrification.

These direct and indirect effects are the *social costs* of the new development -- costs imposed on society which someone, someday must pay for. The displaced households, and households facing higher rents, are the first to pay some of these costs. Government -- taxpayers in general -- eventually must pay a variety of costs, from social housing subsidy programs to increased welfare assistance.

In their recent review of the rationale for linkage programs, Andrew and Merriam offer the following explanation.

> *Underlying every linkage program is the fundamental concept that new downtown commercial development is directly "linked" to a specific social need. The rationale is fairly simple: Not only does the actual construction of the commercial buildings create new construction jobs, but the increased office space attracts new businesses and workers to fill the new jobs. The new workers need places to live, transit systems, day-care facilities, and the like. From the perspective of linkage proponents, the new commercial development is directly "linked" both to new employment opportunities and to increased demands for improved municipal facilities and services. Supporters believe that the developer who profits from constructing a new commercial development logically should*

> *help pay for increases in municipal services and facilities. Thus, linkage constitutes an attempt by the city to ensure that prospering developers share their profits and help satisfy the needs that result from new commercial growth.* (Andrew and Merriam, 1988:200)

The section of the Boston Zoning Code (Article 26) implementing the linkage program provides the following Statement of Purpose which identifies the need to compensate for the social costs of major new office developments.

> *The purpose of this article is to promote the public health, safety, convenience and welfare; to prevent overcrowding and deterioration of existing housing; to preserve and increase the City's housing amenities; to facilitate the adequate provision of the public requirement for low and moderate housing; and to establish a balance between new, large-scale real estate development and the low and moderate income housing needs of the City of Boston by provisions designed to:*
>
> 1. *Afford review and to regulate large scale real estate development projects which create new jobs and attract new workers to the City of Boston.*
>
> 2. *Increase the availability of low and moderate income housing by requiring developers, as a condition of the general grant of deviations from the Zoning Code or the grant of an amendment to the Zoning Map, to make a development impact payment to the Neighbourhood Housing Trust or to contribute to the creation of low and moderate income housing.*

If new jobs are created and new employees attracted to the city, there is of course no doubt that there is a direct relationship. Related questions are: whether new rental stock is being provided for the employees who cannot afford to buy a house; whether the development directly or indirectly lead to the loss of existing housing stock; in short, whether the development creates a need that it should be asked to address. Where a linkage fee is imposed on the developer, the final question is whether the obligation imposed on the development is proportional to the need created. Answers to all these questions cannot be provided in the abstract or "in theory." Each city's housing market is different, each office development can have different impacts, and each municipality's linkage fee program is likely to be different from the next. The answer must wait for a series of careful studies to be carried out in cities with office/housing linkage fees.

In their investigation of the City of Boston linkage fee program, Kayden and Pollard find that "Boston office development is responsible for attracting new-resident employees who need housing" and that "the linkage obligation imposed on office development is proportionate to the need created." They conclude that "there is sufficient connection between office development and housing in Boston to justify linkage under the reasonable relationship test" (1987:130). They further argue that their findings are rather conservative -- that office development actually accounts for more residential migration than their survey results indicate.

> *First, office development has a multiplier effect on non-office employment. Some people who work in non-office atmospheres (janitors, messengers, restaurant workers) created*

to support the expanded level of office activity also move to the city. Second, some individuals who moved to Boston for a job in an office building no longer work in one. These two elements make the survey's estimate of residential migration due to office development a conservative one. (Kayden and Pollard, 1987:133)

6.2.3 Boston's Neighbourhood Housing Trust

In 1986 Mayor Flynn and the Boston City Council established the City's Neighbourhood Housing Trust. The Trust's primary responsibility is to oversee the distribution of Boston Linkage resources.

Office/affordable housing linkage funds, the payments from developers of large commercial buildings, are used to develop affordable housing throughout Boston's neighbourhoods. The distribution of these resources may take place through two distinct mechanisms. Direct grants or loans may be issued by the Trust. Additionally, the Trust and the Boston Redevelopment Authority (BRA) may approve Housing Creation Proposals. In this case the Trust and the Boston Redevelopment Authority responds to proposals from contributing developers which target linkage resources to a particular affordable housing proposal.

By December 1988, five years after linkage was adopted by the Boston Zoning Commission, developers had committed $50 million in linkage funds to the city. Of that, approximately $23 million has already been expended by the BRA and the Neighbourhood Housing Trust to assist the production of rehabilitation of 2,327 units of housing. Eighty percent of those units will be used to house families with low or moderate incomes. The City Council has the responsibility for granting final approval of all expenditures by the Trust.

In order to generate the most housing out of the linkage, both the BRA and Neighbourhood Housing Trust have generally used linkage funds for gap financing or as a tool to leverage other financial resources. While this has proven to be an efficient use of the limited funds available through linkage, it has also reinforced the pattern of patchwork financing that has become an unfortunate necessity in the development of affordable housing. Linkage funds have been used to support numerous projects being developed by community development corporations and other non-profit developers, who often have the most difficulty in obtaining financing.

6.3 Housing Bonus Program

6.3.1 Seattle, Housing Bonus Program, 1985

In June 1985 the Seattle City Council adopted the Land Use and Transportation Plan for Downtown Seattle. A key element of the plan, which is intended to guide development to the year 2000, is the emphasis on downtown housing. Policy "E" of the Downtown Plan states:

> *Housing opportunities in downtown Seattle shall be significantly expanded for people of all income levels with the objective of...maintaining the existing number of low income units.*

The intent of the housing bonus program in Seattle is to provide new housing units downtown affordable to low and moderate income people (the production option) or preserve existing or provide new low income housing in downtown through the transfer of development rights (the TDR option).

The housing bonus program allows the addition of commercial space when assistance is given to the production of housing or by the purchase of development rights from existing low rent housing in the downtown area. Housing bonus credits are valued at $15.30 per square foot and transferred development rights are valued at $10.00 per square foot. The program can only be used for downtown projects and must produce or preserve housing located in downtown.

By 1989, one commercial building has been constructed under the new bonus system. This commercial project assisted six housing projects, producing 119 new moderate income units. The purchase of development rights for this project also helped preserve 78 low rent units.

Only one project has been implemented under the new plan because of the long process involved in developing a major downtown project. Many developers started their projects under the pre-1985 planning regulations, which did not include the housing bonus option. In addition the 1985 plan allows a base floor area ratio (FAR) of 10. This is very high and adequate for some developers. In 1989 a citizen's revolt against this FAR of 10 culminated in a special election in which 62% of the voters approved a new ten year downtown development control plan which cuts the allowable FAR in half but maintains and improves the housing-related bonus system. In addition, only 500,000 square feet of new office space per year can be built for the next five years. A height limit of about 30 storeys was also imposed.

6.3.2 Toronto, Promotion of Assisted Housing Through Granting of Density and Height Bonuses

The City of Toronto's policy, as reflected in its Official Plan, enables it to enact By-laws permitting up to 25% increase in residential density in mixed commercial residential buildings. The density bonus is granted on the condition that it is used for assisted housing. In addition, under the authority of Section 36 of the Ontario Planning Act, the City can and has used density and height bonus incentives to promote and secure private sector contributions to the production of assisted housing. Through site specific amendments, to the zoning by-laws and Official Plan negotiated with the developers, bonuses are granted in exchange for land or cash payment in lieu of land for assisted housing. The contributions this acquired are assigned to the assisted Housing Reserve Fund.

6.4 Transfer of Development Rights

Transfer of Development Rights (TDR) is a development control technique which has become increasing used throughout North America over the past twenty years. Development rights are severed from one parcel of land and transferred to another. A TDR bylaw turns the potential building area allowable by zoning into a marketable item that can be severed from a site and sold to the owner of another site. This can reduce economic pressures for demolition of existing buildings and is especially effective at preserving historic buildings and lower density housing. The economic rationale for demolition no longer exists if the extra development potential is removed from the site. A municipality could downzone the site, but legal and political problems can result from downzonings. TDR has come into widespread use because it provides compensation to an owner of the preserved structure at no cost to the government. Furthermore, TDR recognizes the rights of owners to develop their property *as well as* recognizing a broader public purpose by requiring development potential to be placed in the service of comprehensive planning for the entire community. TDR is essentially one more tool allowing greater government flexibility in land management. Seattle has made the most innovative use of TDR by applying it to the preservation of low rent downtown housing stock.

6.4.1 Seattle, TDR program, 1985

The City of Seattle's Downtown Land Use and Transportation Plan, adopted in July 1985, established the Transfer of Development Rights Program (TDR), designed primarily to preserve currently occupied low-income housing. Owners of low-income buildings are permitted to sell the air rights over their downtown buildings to private developers if the owners agree to keep a minimum of 50% of their buildings in low-income use for the next 20 years. A sufficient portion of the funds derived from the sale of air rights must be used to upgrade the low-income housing units to a 20-year expected life. Sale of the development rights removes pressure for redevelopment of low income housing sites and provides a private-sector source for rehabilitation funds. Commercial developers purchasing air rights can only apply them to projects in certain zones within the city. Only limited equity cooperatives and rental housing are eligible under the TDR program. The site from which the development rights are sold must have at least one Floor Area Ratio (FAR) in low income housing use in order to transfer rights. Rent levels in the created or rehabilitated units cannot exceed 30% of ½ the median household income in the Standard Metropolitan Statistical Area.

6.4.2 Seattle, Municipal TDR Bank, 1988

The Transfer of Development Rights Bank allows the City of Seattle to purchase development rights from owners of low income buildings in the downtown in exchange for a commitment that the housing be brought up to housing code standards and remain in low income use for at least 20 years. Development rights will be put into a "bank" for future sale to downtown commercial developers who wish to increase the commercial floor area for their projects.

6.4.3 Portland, SRO Housing Transfer of Development Rights Provisions, Central City Plan

The City of Portland, in its Central City Plan, allows the transfer of floor area potential from sites occupied by single room occupancy housing in order to reduce the market pressure for demolition or conversion of this housing. All vacant, existing, and new SRO housing qualifies for the Transfer of Development Rights provisions of the Plan. Qualifying developments transfer their surplus floor area potential to other sites in the central area. The plan specifies a set of approval criteria for the SROs and sets a limit on the maximum floor area increase achievable. *(Contact: Housing/Long Range Section, Bureau of Planning, City of Portland, Portland, OR 97204, 503/796-7700.)*

6.5 Development Charges

6.5.1 Ontario, Development Charges, 1989 Revision

The Ontario *Planning Act* permits municipalities to impose levies on plans of subdivision to cover some of the costs to the municipalities of servicing the resultant growth. Some suburban municipalities around Toronto, for example, collect fees in excess of $10,000 per unit to cover these costs. In 1989 the Ontario Government introduced Bill 20, *An Act to provide for the Payment of Development Charges*, which extends and further defines the nature of the fees. The Bill permits both municipalities and school boards to impose development charges on *all* types of development that will increase the need for municipal services or school facilities. As explained in the *Budget Papers*, the purpose of the Bill is to provide "new options for addressing Ontario's capital infrastructure needs" and to provide an improved "framework to enable developers, who benefit from infrastructure development, to contribute to its cost." (*Budget Paper E*, 1989:99)

The City of Toronto Planning and Development Department, in its work on revising the Central Area Plan, is examining the possibility of using the authority provided by Bill 20 to impose charges on commercial development to help pay for municipal expenses relating to assisted housing, transportation and daycare.

6.5.2 Ontario, Commercial Concentration Levy, 1989

To help pay for the cost of new transportation infrastructure made necessary by the extensive development boom in and around Toronto, the Ontario Government will begin collecting an annual *Commercial Concentration Levy* of $1.00 per square foot ($10.75 per square meter) on all commercial property and associated parking with a gross area exceeding 200,000 square feet (about 18,600 square meters) located within the Greater Toronto Area (i.e., the regional municipalities of Durham, Halton, Peel, York and Metropolitan Toronto). The tax became effective January 1, 1990 and will raise about $125 million annually. Unlike a development charge, which is a one time fee collected when a building or house is built, the Commercial Concentration Levy is a tax collected each year.

The principle behind the new tax is that specific groups benefit from the provision of public infrastructure. "These benefits include," the Ontario Finance Minister stated, "capital gains from land and building value increases, greater income from tenants who seek prime locations, and ready access for customers, suppliers and employees who rely on an excellent transportation network." Therefore, the Minister stated, "the Province is adopting a strategy by which those who benefit significantly and directly from the provision of new public infrastructure will be required to make a greater contribution to the cost of that infrastructure." (*Budget Speech*, 1989, p.4)

6.6 Inclusionary Housing program

Many jurisdictions throughout North America are adopting "inclusionary housing" programs. The term comes from its opposite: planning and zoning measures which *exclude* certain types of residential land uses, usually low- and moderate income housing opportunities. According to Allan Mallach, in his book *Inclusionary Housing Programs: Policies and Practices* (1984), an inclusionary housing program

> *is a program designed to bring about housing affordable to low- and moderate income households in a community, using a variety of programs and activities, but relying principally for its implementation on an inclusionary zoning ordinance.*

The crucial element, he adds, is that

> *the provision of housing for lower-income households becomes part and parcel of the overall residential development of the community, constructed as a direct outcome of the construction of more expensive housing, and in some cases, even as an outcome of nonresidential development.*

Mallach defines an inclusionary zoning ordinance as a

> *zoning scheme under which prospective developers are required by a municipality or county to provide, as a condition of approval, or alternatively, are given incentives to provide, low- and moderate income housing as a part of, or in conjunction with, their proposed development projects.* (Mallach, 1984:2)

Many postwar suburban jurisdictions have been accused of exclusionary zoning and planning practices by, for example, large lot size requirements which excludes lower income home owners from the community, and by failing to provide sufficient sites for apartment buildings, thereby excluding renters from the community.

Many "younger" cities, especially in western North America, started out by zoning most of the then undeveloped land around the developed core for single detached housing. Sixty years later, these cities find themselves in Vancouver's situation. About 70% of the residential land in the City of Vancouver, for example, is zoned for single detached houses yet about 60% of all

households are now renters. The majority of households, therefore, are legally excluded from living in the majority of the residentially zoned areas.

An inclusionary zoning approach could be considered an anti-displacement policy in that such planning and zoning requirements would be instituted on the basis that:

- compared to other inner-city land uses, residential hotels and rooming houses are less economical, resulting in the inevitable displacement of residents unless the units are protected or replaced; and

- in view of the existing zoning bylaw, which excludes residential hotels and rooming houses from most of the remaining areas of the city, there is little choice but to avoid any further displacement since the residents have few other options.

The inclusionary planning and zoning measures would depend on a combination of regulations, subsidies and private/public partnerships, as outlined in Part II of this study.

Ontario is one Canadian jurisdiction which, in 1989, made inclusionary planning and zoning for affordable housing a mandatory activity of all municipalities. Its policy is outlined below.

6.6.1 Ontario Policy Statement, Land Use Planning for Housing, 1989

In 1988 the Ontario Ministries of Housing and Municipal Affairs jointly released for public discussion a proposed policy statement on planning for housing. In July 1989 a policy statement under the authority of the *Planning Act*, on "Land Use Planning for Housing," was adopted and took effect August 1, 1989.

Under Ontario's *Planning Act* a "Policy Statement" is the mechanism used by the Province to establish provincial expectations regarding matters relating to land use planning. The August 1989 policy statement described how housing issues are to be addressed by planning jurisdictions in their official plans, zoning provisions, and the development approvals process.

The "Land Use Planning for Housing" policy statement addresses the relationship between housing and the land use planning process. It deals with: the supply of land for residential development; the land use planning approval process; land use standards which regulate the range of housing types which can be provided; and the effective use of existing building stock and previously developed land for new housing.

The focus is on affordable housing, with "affordable" defined as:

> *annual housing costs (gross rent, or mortgage principle and interest (amortized over 25 years and assuming a 25% down payment) and taxes) which do not exceed 30% of gross annual household income.*

"Affordable housing" is defined in the Policy Statement as:

> *Housing which would have a market price or rent that would be affordable to households of low and moderate income. Households of low and moderate income are defined as households within the lowest 60 percent of the income distribution for the Housing Region.* (*Land Use Planning for Housing: A Statement of Ontario Government Policy*, 1989:1)

The policy statement requires that a full range of housing types be included in the planning and zoning of all municipalities. Section 5, on residential intensification, specifically mentions housing for single person households. Section 5 requires all municipalities and planning boards to identify opportunities to increase the supply of housing through better use of existing resources, buildings and serviced sites to meet changing demographic trends and housing demands. One method (Section 5.1b) includes "zoning provisions to permit rooming, boarding and lodging houses, and accessory apartments as-of-right."

The inclusionary zoning provisions of the policy statement are in Section 4, "Range of Housing Types." Section 4 is reproduced below in its entirety.

4. RANGE OF HOUSING TYPES

4.1 All municipalities and planning boards provide for a range of housing types, in New Residential Development and Residential Intensification by:

a. designating lands in the official plan specifying, at least, appropriate residential uses and densities;

These land use designations will be based on:

i. housing needs, taking into consideration household size and income of new households expected in accordance with section 2.1a., normally identified in a Municipal Housing Statement;
ii. the forms of housing which could be produced by the market or with government assistance to meet these housing needs;
iii. the forms and proportion of housing, identified as Affordable Housing in section 4.2.

b. establishing policies in the official plan so that the range of housing types, including the forms of housing identified as Affordable Housing in accordance with section 4.2, is distributed throughout the municipality/planning area on lands designated for residential use, but is not necessarily included in every application for New Residential Development or Residential Intensification;

c. incorporating implementation policies in the official plan to assist in achieving the identified range of housing types;

d. zoning lands to accommodate the range of housing types identified in the official plan, by:

i. establishing zones which permit the identified range of housing types;

ii. *including zoning standards such as, but not limited to, residential densities, minimum lot standards, and unit and building areas and sizes, to permit the development of the identified range of housing types, and by eliminating any zoning standards which serve to preclude uses permitted by the official plan;*
iii. *where minimum unit size standards are provided, including standards which do not exceed those established in the Ontario Building Code for the protection of health and safety.*

4.2 All municipalities and planning boards establish appropriate planning policies and standards which will enable at least 25% of New Residential Units resulting from New Residential Development and Residential Intensification through conversion of non-residential structures, Infill and Redevelopment, to be Affordable Housing, by:

a. identifying the forms of housing which could be developed as Affordable Housing;

These forms of housing are to be locally determined based on an analysis of:

i. *incomes up to the 60th percentile in the Housing Region;*
ii. *the full range of housing needs for households within the lowest 60 percent of the income distribution for the Housing Region;*
iii. *a range of housing prices/rents to meet these needs;*
iv. *expected housing production costs and market prices/rents;*
v. *the ability of the market to produce housing to meet the Affordable Housing definition;*
vi. *the amount of government-assisted housing needed in the municipality, normally identified in a Municipal Housing Statement.*

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